

JOURNAL OF THE SENATE

NINETIETH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 25, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate pages Austin Bitterman and Brittini Faddoul.

Roll Call: All members present except Sen. Curd who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

February 24, 2015

Mr. President and Members of the Senate:

I have the honor to inform you that on February 24, 2015, I approved Senate Bills 16, 18, 40, 77, and 85, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

February 4, 2015

The Honorable Matt Michels
President of the Senate
State Capitol
Pierre, SD 57501

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 1-44 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have reappointed Gary Doering, Beadle County, Cavour, South Dakota, to the South Dakota State Railroad Board.

This appointment is effective July 1, 2014, and shall continue until October 30, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on Transportation.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1090, 1106, and 1135 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1150 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Bob Ewing, Chair

6 Also MR. PRESIDENT:

7 The Committee on Transportation respectfully reports that it has had under consideration
8 HB 1121 and returns the same with the recommendation that said bill do pass and be placed on
9 the consent calendar.

10 Also MR. PRESIDENT:

11 The Committee on Transportation respectfully reports that it has had under consideration
12 HB 1122 and returns the same with the recommendation that said bill be amended as follows:

13 1122fd

14 On page 2, line 4, of the House engrossed bill, delete everything after "may" and insert
15 "designate a road that is unsafe".

16 On page 2, line 5, delete ". The board may also designate a closed road".

17 And that as so amended said bill do pass and be placed on the consent calendar.

18 Respectfully submitted,
19 Mike Vehle, Chair

20 Also MR. PRESIDENT:

21 The Committee on Health and Human Services respectfully reports that it has had under
22 consideration HB 1102, 1151, and 1229 and returns the same with the recommendation that said
23 bills do pass and be placed on the consent calendar.

24 Respectfully submitted,
25 Bruce Rampelberg, Chair

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 HJR 1003 and HB 1145 and returns the same with the recommendation that said bill and
4 resolution do pass.

5 Also MR. PRESIDENT:

6 The Committee on State Affairs respectfully reports that it has had under consideration
7 HB 1029, 1105, and 1125 and returns the same with the recommendation that said bills do pass
8 and be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 HB 1149 which was tabled.

12 Respectfully submitted,
13 Tim Rave, Chair

14 MESSAGES FROM THE HOUSE

15 MR. PRESIDENT:

16 I have the honor to inform your honorable body that the House has concurred in Senate
17 amendments to HB 1055.

18 Also MR. PRESIDENT:

19 I have the honor to transmit herewith HB 1064, 1185, 1186, 1187, 1205, 1209, 1225, and
20 1231 which have passed the House and your favorable consideration is respectfully requested.

21 Respectfully,
22 Arlene Kvislen, Chief Clerk

23 MOTIONS AND RESOLUTIONS

24 SCR 8 Introduced by: Senators Lederman, Brown, Heinert, Rave, Solano, and Sutton and
25 Representatives Bolin, Anderson, Dryden, Hawley, Mickelson, Ring, Stalzer, Stevens, Verchio,
26 Westra, and Wiik

1 A CONCURRENT RESOLUTION, Condemning the growing anti-Semitism in certain
2 countries and extending an invitation to Jewish families from around the world to South
3 Dakota.

4 WHEREAS, Judaism as a faith has been in existence for over three thousand years with over
5 eleven million people practicing worldwide; and

6 WHEREAS, people of the Jewish faith have recently suffered inexcusable anti-Semitic
7 attacks, including a tragic attack when a gunman walked into a kosher market in Paris, taking
8 hostages, killing four people, and sending shock and fear through the Jewish community; and

9 WHEREAS, in addition to the Paris attack, numerous Jewish grave stones have been
10 desecrated, many Jewish stores have been attacked, and immeasurable amounts of Jewish
11 graffiti has been scrawled all over Paris; and

12 WHEREAS, growing anti-Semitism is not exclusive to France, with a violent attack on a
13 Jewish film director and a Jewish security guard in Copenhagen, Denmark, and over one
14 thousand one hundred anti-Semitic incidences recorded last year in Britain alone; and

15 WHEREAS, these anti-Semitic aggressions have caused fear and terror to a degree that has
16 caused a mass exodus of Jewish immigrants leaving France, with around 2,000 Jews leaving
17 France every year until 2013, when it grew to 3,400 Jews, and doubling in 2014 when over
18 7,000 Jews left the country; and

19 WHEREAS, South Dakotans believe no person of any faith should have to fear for their
20 well-being due to his or her beliefs, and the free exercise of religion is an inalienable human
21 right; and

22 WHEREAS, the first Jews to settle in South Dakota found opportunity with the United
23 States Homestead Act, seeking the freedoms of unsettled grasslands; and

24 WHEREAS, South Dakotans know the value of practicing a faith, support strong
25 convictions of freedom of religion, and appreciate a diversity of faith in the state; and

26 WHEREAS, South Dakota offers an acceptance of faith, friendly people, and a safe and
27 welcoming place to raise a family; and

28 WHEREAS, a flourishing Jewish community in the state will increase diversity, bring about
29 worldly perspectives, and allow South Dakotans to develop meaningful and long-lasting
30 relationships with people of a different faith:

31 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of the
32 State of South Dakota, the House of Representatives concurring therein, that this Legislature,
33 and the good citizens of South Dakota, denounce and condemn the growing anti-Semitism in
34 many European and Middle-Eastern countries and encourage the swift and attentive action of
35 the leaders of each respective country in dealing with and eliminating the dangerous
36 discrimination Jews face every single day; and

1 BE IT FURTHER RESOLVED, that South Dakota extends a warm welcome to both French
2 Jews, and those of the Jewish faith experiencing discrimination or danger around the world, to
3 join the good people of South Dakota and enjoy a safe, welcomed, and prosperous life in this
4 beautiful state.

5 Was read the first time, the President waived the referral to committee, and placed SCR 8
6 on the calendar of Thursday, February 26, the 28th legislative day.

7 Sen. Rave moved that SB 52 be placed to follow SB 3 on today's calendar.

8 Which motion prevailed.

9 CONSIDERATION OF REPORTS OF COMMITTEES

10 Sen. Rave moved that the reports of the Standing Committees on

11 Agriculture and Natural Resources on HB 1146 as found on page 488 of the Senate
12 Journal; also

13 Education on HB 1148 as found on page 487 of the Senate Journal; also

14 Commerce and Energy on HB 1236 as found on page 486 of the Senate Journal; also

15 Commerce and Energy on SB 180 as found on page 485 of the Senate Journal; also

16 Appropriations on SB 4 as found on page 486 of the Senate Journal be adopted.

17 Which motion prevailed.

18 FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

19 HB 1064: FOR AN ACT ENTITLED, An Act to prohibit unlawful self-dealing by state
20 officers and employees.

21 Was read the first time and referred to the Committee on State Affairs.

22 HB 1185: FOR AN ACT ENTITLED, An Act to make an appropriation for property and
23 casualty loss coverage, to establish the property and casualty captive insurance company fund
24 for state properties, and to declare an emergency.

25 Was read the first time and referred to the Committee on Appropriations.

1 HB 1186: FOR AN ACT ENTITLED, An Act to revise an appropriation made to the
2 Science and Technology Authority.

3 Was read the first time and referred to the Committee on Appropriations.

4 HB 1187: FOR AN ACT ENTITLED, An Act to make an appropriation for liability
5 coverage for the South Dakota Building Authority, South Dakota Health and Educational
6 Facilities Authority, South Dakota Housing Development Authority, South Dakota Ellsworth
7 Development Authority, and South Dakota Educational Enhancement Funding Corporation, to
8 establish the liability captive insurance company fund, and to declare an emergency.

9 Was read the first time and referred to the Committee on Appropriations.

10 HB 1205: FOR AN ACT ENTITLED, An Act to provide for the certification by a chief law
11 enforcement officer of the transfer of certain firearms.

12 Was read the first time and referred to the Committee on Judiciary.

13 HB 1209: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
14 changes in terms of credit card agreements.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 HB 1225: FOR AN ACT ENTITLED, An Act to prohibit the unauthorized commercial use
17 of a personality's right of publicity and provide a civil remedy therefor.

18 Was read the first time and referred to the Committee on Judiciary.

19 HB 1231: FOR AN ACT ENTITLED, An Act to authorize the forfeiture of any financial
20 benefit or valuables gained from prostitution or pimping.

21 Was read the first time and referred to the Committee on Judiciary.

22 **SECOND READING OF CONSENT CALENDAR BILLS AND RESOLUTIONS**

23 HB 1005: FOR AN ACT ENTITLED, An Act to repeal the foundation program fund and
24 references thereto.

25 Was read the second time.

26 The question being "Shall HB 1005 pass?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
7 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
8 Vehle; White

9 Excused:

10 Curd

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1066: FOR AN ACT ENTITLED, An Act to clarify that the required notice
14 requirements related to continuing contracts do not apply to employees of postsecondary
15 technical institutes.

16 Was read the second time.

17 The question being "Shall HB 1066 pass?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
22 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
23 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
24 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
25 Vehle; White

26 Excused:

27 Curd

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

30 HB 1117: FOR AN ACT ENTITLED, An Act to provide for the approval of postsecondary
31 courses for certain nonpublic school students and students receiving alternative instruction.

32 Was read the second time.

1 The question being "Shall HB 1117 pass?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
6 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
7 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
8 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
9 Vehle; White

10 Excused:

11 Curd

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1217: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 James River Water Development District.

16 Was read the second time.

17 The question being "Shall HB 1217 pass as amended?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
22 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
23 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
24 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
25 Vehle; White

26 Excused:

27 Curd

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

1 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 106: FOR AN ACT ENTITLED, An Act to provide funding for the South Dakota
3 technical institutes, to make an appropriation therefor, and to declare an emergency.

4 Was read the second time.

5 The question being "Shall SB 106 pass as amended?"

6 And the roll being called:

7 Yeas 33, Nays 0, Excused 2, Absent 0

8 Yeas:

9 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
10 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
11 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
12 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

13 Excused:

14 Curd; Novstrup (David)

15 So the bill having received an affirmative vote of a two-thirds majority of the members-
16 elect, the President declared the bill passed and the title was agreed to.

17 SB 176: FOR AN ACT ENTITLED, An Act to provide for the development of online
18 resources and a rubric of textbook analysis for use in school districts, to make an appropriation
19 therefor, and to declare an emergency.

20 Was read the second time.

21 The question being "Shall SB 176 pass as amended?"

22 And the roll being called:

23 Yeas 34, Nays 0, Excused 1, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
28 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
29 Vehle; White

30 Excused:

31 Curd

1 So the bill having received an affirmative vote of a two-thirds majority of the members-
2 elect, the President declared the bill passed and the title was agreed to.

3 SB 193: FOR AN ACT ENTITLED, An Act to provide for an annual evaluation of state
4 government agencies and require a report.

5 Was read the second time.

6 193mg

7 Sen. Peters moved that SB 193 be amended as follows:

8 On page 3 of the Senate Appropriations Committee engrossed bill, delete lines 5 to 12,
9 inclusive.

10 Which motion prevailed.

11 The question being "Shall SB 193 pass as amended?"

12 And the roll being called:

13 Yeas 34, Nays 0, Excused 1, Absent 0

14 Yeas:

15 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
16 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
17 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
18 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
19 Vehle; White

20 Excused:

21 Curd

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 SB 50: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
25 Authority to provide for the construction, reconstruction, renovation, and modernization of state
26 park facilities and infrastructure at Custer State Park for the Department of Game, Fish and
27 Parks, to make an appropriation therefor, and to declare an emergency.

28 Was read the second time.

1 The question being "Shall SB 50 pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggard
6 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
7 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
8 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
9 Vehle; White

10 Excused:

11 Curd

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 SB 55: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for
15 fiscal year 2015.

16 Was read the second time.

17 The question being "Shall SB 55 pass as amended?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggard
22 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
23 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
24 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
25 Vehle; White

26 Excused:

27 Curd

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

30 SB 99: FOR AN ACT ENTITLED, An Act to revise certain provisions of the Medicaid
31 contingency fund due to federal legislation, to make an appropriation therefor, and to declare
32 an emergency.

1 Was read the second time.

2 99gb

3 Sen. Peters moved that SB 99 be amended as follows:

4 On page 1, line 8, of the Senate Appropriations Committee engrossed bill, delete "seven
5 million dollars (\$7,000,000)" and insert "one dollar (\$1)".

6 Which motion prevailed.

7 The question being "Shall SB 99 pass as amended?"

8 And the roll being called:

9 Yeas 33, Nays 0, Excused 2, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
12 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
14 (Jim); Rampelberg; Rave; Rusch; Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
15 White

16 Excused:

17 Curd; Solano

18 So the bill having received an affirmative vote of a two-thirds majority of the members-
19 elect, the President declared the bill passed and the title was agreed to.

20 SB 181: FOR AN ACT ENTITLED, An Act to enhance higher education affordability and
21 to make an appropriation therefor.

22 Was read the second time.

23 The question being "Shall SB 181 pass as amended?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
3 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
5 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
6 Vehle; White

7 Excused:

8 Curd

9 So the bill having received an affirmative vote of a two-thirds majority of the members-
10 elect, the President declared the bill passed and the title was agreed to.

11 SB 119: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
12 abandoned mobile and manufactured homes.

13 Was read the second time.

14 The question being "Shall SB 119 pass as amended?"

15 And the roll being called:

16 Yeas 32, Nays 2, Excused 1, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Greenfield (Brock); Haggar (Jenna);
19 Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
20 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
21 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

22 Nays:

23 Frerichs; Heinert

24 Excused:

25 Curd

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 134: FOR AN ACT ENTITLED, An Act to prohibit minor boundary changes for one
29 year, to establish the school district boundary task force, and to declare an emergency.

30 Was read the second time.

31 The question being "Shall SB 134 pass as amended?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
7 (Jim); Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
8 Vehle; White

9 Excused:

10 Curd

11 So the bill having received an affirmative vote of a two-thirds majority of the members-
12 elect, the President declared the bill passed and the title was agreed to.

13 SB 180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
14 production tax for wind energy facilities.

15 Was read the second time.

16 The question being "Shall SB 180 pass as amended?"

17 And the roll being called:

18 Yeas 32, Nays 2, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
21 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Lederman; Monroe;
22 Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rempelberg; Rave;
23 Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

24 Nays:

25 Jensen (Phil); Omdahl

26 Excused:

27 Curd

28 So the bill having received an affirmative vote of a two-thirds majority of the members-
29 elect, the President declared the bill passed and the title was agreed to.

30 SB 51: FOR AN ACT ENTITLED, An Act to repeal the contingency funds available for
31 unanticipated costs related to medical services and to declare an emergency.

1 Was read the second time.

2 The question being "Shall SB 51 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
7 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
8 Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson
9 (Jim); Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
10 Vehle; White

11 Excused:

12 Curd

13 So the bill having received an affirmative vote of a two-thirds majority of the members-
14 elect, the President declared the bill passed and the title was agreed to.

15 SB 4: FOR AN ACT ENTITLED, An Act to make an appropriation for research
16 concerning the administrative and financial impact of actual use on agricultural land
17 assessments and to declare an emergency.

18 Was read the second time.

19 The question being "Shall SB 4 pass as amended?"

20 And the roll being called:

21 Yeas 16, Nays 18, Excused 1, Absent 0

22 Yeas:

23 Bradford; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Heinert; Holien;
24 Hunhoff (Bernie); Olson; Parsley; Peterson (Jim); Rampelberg; Sutton; Tidemann; Vehle

25 Nays:

26 Brown; Haggar (Jenna); Haverly; Heineman (Phyllis); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Omdahl; Otten (Ernie); Peters; Rave; Rusch; Soholt; Solano; Tieszen; Van
28 Gerpen; White

29 Excused:

30 Curd

31 So the bill not having received an affirmative vote of a two-thirds majority of the members-
32 elect, the President declared the bill lost.

1 SB 3: FOR AN ACT ENTITLED, An Act to provide for mediation of certain drainage
2 disputes.

3 Was read the second time.

4 The question being "Shall SB 3 pass as amended?"

5 And the roll being called:

6 Yeas 32, Nays 2, Excused 1, Absent 0

7 Yeas:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
9 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
10 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
11 Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

12 Nays:

13 Lederman; Rave

14 Excused:

15 Curd

16 So the bill having received an affirmative vote of a two-thirds majority of the members-
17 elect, the President declared the bill passed and the title was agreed to.

18 SB 52: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
19 investment income that is transferred to the general fund and to declare an emergency.

20 Was read the second time.

21 52ma

22 Sen. Peters moved that SB 52 be amended as follows:

23 On page 1, line 8, of the Senate Appropriations Committee engrossed bill, delete "~~ninety~~
24 fifty" and insert "ninety and one half".

25 On page 1, delete line 12.

26 Which motion prevailed.

27 The question being "Shall SB 52 pass as amended?"

28 And the roll being called:

1 Yeas 30, Nays 4, Excused 1, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Frerichs; Greenfield (Brock); Haggard (Jenna);
4 Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Lederman; Monroe; Novstrup
5 (David); Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

7 Nays:

8 Ewing; Jensen (Phil); Olson; Rave

9 Excused:

10 Curd

11 So the bill having received an affirmative vote of a two-thirds majority of the members-
12 elect, the President declared the bill passed and the title was agreed to.

13 Sen. Rave moved that HB 1079, 1060, 1189, 1101, 1027, 1081, 1080, 1089, 1130, 1058,
14 1059, 1043, and 1013 be deferred to Thursday, February 26, the 28th legislative day.

15 Which motion prevailed.

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 HB 1120: FOR AN ACT ENTITLED, An Act to revise the provisions related to phase in
19 rate plans for plant additions.

20 And signed the same in the presence of the Senate.

21 **COMMEMORATIONS**

22 SC 23 Introduced by: Senators White, Buhl O'Donnell, Haverly, Heineman (Phyllis),
23 Omdahl, Parsley, Peters, Tidemann, and Van Gerpen and Representatives Anderson, Bordeaux,
24 Cronin, Dryden, Hunhoff (Jean), Jensen (Alex), Ring, and Romkema

25 A LEGISLATIVE COMMEMORATION, Commending the South Dakota Army National
26 Guard's 153rd Engineer Battalion, Huron, South Dakota, for being awarded the Major
27 General Milton A. Reckord Trophy.

28 WHEREAS, the South Dakota Army National Guard's 153rd Engineer Battalion was
29 presented the MG Milton A. Reckord Trophy at the 2014 National Guard Association of the
30 United States conference on August 25, 2014; and

1 WHEREAS, the Reckord Trophy is presented to the most outstanding Army National Guard
2 battalion each year; and

3 WHEREAS, the selection is based on overall combat readiness and the unit's performance
4 with respect to all other Army National Guard units in personnel strength, individual and crew
5 served weapons firing, the army physical fitness test, unit alerts, unit manning, skill level
6 qualifications, retention, drill attendance, operational readiness inspections, outstanding
7 accomplishments, and special missions all being factors in the evaluation and selection; and

8 WHEREAS, the 153rd Engineer Battalion continues to demonstrate continued support to
9 their community and the State of South Dakota:

10 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
11 of South Dakota, that the South Dakota Legislature expresses its respect, commendation, and
12 congratulations to the South Dakota Army National Guard 153rd Engineer Battalion for being
13 awarded the Reckord Trophy and recognizing the 153rd Engineer Battalion for their outstanding
14 service to the great State of South Dakota and the United States of America.

15 SC 24 Introduced by: Senator Peters and Representatives Hawks, Hickey, and Langer

16 A LEGISLATIVE COMMEMORATION, Commending and honoring the West Central High
17 School Track and Cross Country Teams for their accomplishments.

18 WHEREAS, the West Central Girls Track Team placed 4th overall and the West Central
19 Boys Track Team placed 7th overall at the South Dakota State A Track Meet; and

20 WHEREAS, the West Central Boys Cross Country Team won all but one meet in the 2014
21 season. The team was the Dakota XII Champions, Region 2A Champions, and the Boys State
22 A Cross Country Champions, with Derick Peters placing 11th, Ryan Titus placing 14th, Braden
23 Peters placing 21st, Gabe Smith placing 27th, Taylor Otheim placing 42nd, and Benjamin Miles
24 placing 48th; and

25 WHEREAS, Hanna Wahl placed 14th at the Girls State A Cross Country meet:

26 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
27 of South Dakota, that the Legislature commends and honors the West Central High School
28 Cross Country and Track Teams for their dedication and hard work.

29 SC 25 Introduced by: Senator Vehle and Representatives Rozum and Klumb

30 A LEGISLATIVE COMMEMORATION, Honoring Macy Miller of Mitchell, South Dakota,
31 for an outstanding high school basketball career.

32 WHEREAS, Macy Miller, in the 2013-2014 women's basketball season for the Mitchell
33 Kernels, averaged 30.7 points, 8.0 rebounds, 5.1 steals, 3.7 assists, and 1.4 blocks per game
34 while shooting 58% from the field; and

WHEREAS, Macy Miller broke eight Mitchell Kernels basketball records during her final season setting records for most points scored in a school career (1,921), in a season (768), and in a game (49), as well as records in steals in a season (197), and career (294); and

WHEREAS, Macy Miller also established season records in field goals (269), number of free throws, and percent of free throws (213 of 231 for 92%); and

WHEREAS, Macy Miller's 768 points in one season sets the state record for all three classes, and her 103 points during the Class AA State Tournament also sets a Class AA State Tournament record; and

WHEREAS, Macy Miller was named the Gatorade Player of the Year, not only due to her excellence on the court, but her superior performance academically and dedication to volunteer work. Macy Miller was named South Dakota Miss Basketball and South Dakota Basketball Coaches Association Class AA Player of the Year and honored with the Spirit of Su Award; and

WHEREAS, Macy Miller, as a freshman, is a starting guard for the SDSU Jackrabbits:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that the Legislature honors and congratulates Macy Miller for her achievements and wishes her every success in the future.

SC 26 Introduced by: Senators Van Gerpen, Brown, Cammack, Curd, Ewing, Greenfield (Brock), Haggar (Jenna), Heinert, Holien, Lederman, Novstrup (David), Peters, Rave, Rusch, Soholt, Solano, Sutton, Tidemann, Tieszen, and White and Representatives Schoenfish, Bartling, Craig, Deutsch, DiSanto, Greenfield (Lana), Latterell, Munsterman, Partridge, Peterson (Kent), Qualm, Rasmussen, Rozum, Soli, Stevens, Tulson, and Wollmann

A LEGISLATIVE COMMEMORATION, Commending and honoring Vern DeGeest on his retirement from teaching, coaching, and administrating after fifty-four years in South Dakota schools.

WHEREAS, the 2014-2015 school year will be Vern DeGeest's thirty-seventh year as Superintendent of Schools in Corsica; and

WHEREAS, Vern began teaching in Gayville in 1961 and spent thirteen years in Viborg as a teacher, coach, and principal; and

WHEREAS, Vern is active in his community as a member of the Corsica Lions Club and previously served on the Corsica Community Foundation Board and the Our Saviors Lutheran Church Council; and

WHEREAS, Vern has served on many educational committees of the Dial group, the Mid-Central Educational Cooperative, and the South Dakota High School Activities Association; and

WHEREAS, Vern refereed basketball for many years and officiated in several state tournaments:

1 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
2 of South Dakota, that the Legislature commends Vern DeGeest for his life-long dedication to
3 serving students in South Dakota.

4 SC 27 Introduced by: Senator Lederman and Representatives Bolin and Anderson

5 A LEGISLATIVE COMMEMORATION, Congratulating Lindsey Smith for taking a "shot" and
6 for being named the Class A Ms. Volleyball for 2014 and for receiving an Under Armour
7 All-American Volleyball Team Honorable Mention for the 2014-2015 year.

8 WHEREAS, Lindsey Smith "set" her Dakota Dunes volleyball team up to play for two
9 consecutive championships through her teamwork, dedication, and "dumps"; and

10 WHEREAS, Coach Rich Pruitt's guidance and the hours of practice "peppers" helped
11 Lindsey and her team "serve" their opponents "tough bacon"; and

12 WHEREAS, Lindsey's parents, Kam and Melissa, have continuously "assisted" Lindsey in
13 pursuing her volleyball career and supported Lindsey in perfecting her "back-twos," "loops," and
14 "stacks":

15 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
16 of South Dakota, that Lindsey Smith be congratulated on her accomplishments and that the
17 Legislature wishes her well as she "attacks" her next "match" where she will represent South
18 Dakota as a UN-K Loper volleyball team member.

19 SC 28 Introduced by: Senator Sutton and Representatives Qualm and Bartling

20 A LEGISLATIVE COMMEMORATION, Honoring Dr. Jerome Bentz of Platte as the 2015
21 Family Doctor of the Year.

22 WHEREAS, for more than thirty-one years Dr. Jerome Bentz has been practicing medicine
23 in Platte and the surrounding area; and

24 WHEREAS, Dr. Bentz has been active in his church and various community organizations
25 and has led numerous fundraising drives for community improvement projects; and

26 WHEREAS, Dr. Bentz has mentored many medical students as the local physician
27 coordinator for the Platte unit of the Frontier and Rural Medicine (FARM) program; and

28 WHEREAS, Dr. Bentz has been both a pioneer and leader in family and rural medicine; and

29 WHEREAS, Dr. Bentz was named the 2015 Family Doctor of the Year by the South Dakota
30 Academy of Family Physicians because of his numerous contributions to both the field of family
31 medicine and his community and dedication to his patients:

32 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
33 of South Dakota, that Dr. Jerome Bentz be honored as the 2015 Family Doctor of the Year.

1 SC 29 Introduced by: Senators Frerichs, Bradford, Buhl O'Donnell, Cammack, Ewing,
2 Heinert, Olson, Peterson (Jim), Rampelberg, Rave, Rusch, Soholt, and Sutton and
3 Representatives McCleerey, Bartling, Bordeaux, Campbell, Dryden, Feickert, Hawley, Marty,
4 and Ring

5 A LEGISLATIVE COMMEMORATION, Honoring Kendra Peterson of Sisseton as 2015 Miss
6 Rodeo South Dakota.

7 WHEREAS, Kendra Peterson has shown loyalty to her community by being an active
8 member of volleyball, high school rodeo, and FFA, while a student at Sisseton High School.
9 Kendra is a 4-H Sisseton Roping Club member and upon completion of college, returned to her
10 family's ranch and remains an asset to the community; and

11 WHEREAS, Kendra has shown incredible determination in the sport of rodeo and at the
12 Miss Rodeo South Dakota contest won the appearance, horsemanship, and photogenic
13 categories; and

14 WHEREAS, Kendra comes from a strong tradition of rodeo queens with the last four rodeo
15 queens calling northeast South Dakota home; and

16 WHEREAS, Kendra was successful in earning a degree from the University of Minnesota
17 at Crookston majoring in accounting and minoring in agricultural business; and

18 WHEREAS, Kendra has distinguished herself as a rodeo queen in South Dakota's official
19 state sport, and as such, has consistently fulfilled her honorary role as an ambassador for the
20 State of South Dakota all over the United States:

21 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State
22 of South Dakota, that Kendra Peterson be recognized and congratulated on her many
23 achievements in rodeo and most notably her recent achievement of being crowned as 2015 Miss
24 Rodeo South Dakota.

25 Sen. Solano moved that the Senate do now adjourn, which motion prevailed and at
26 4:17 p.m. the Senate adjourned.

27 Kay Johnson, Secretary